Remarks

Reconsideration of this patent application is respectfully requested, particularly as herein amended.

Before turning to the merits of the Office Action of December 7, 2007, it is noted that the Office Action has not yet acknowledged applicant's claim of priority for this matter. Suitable acknowledgement of applicant's claim of priority in connection with this Patent Application is respectfully requested.

It is further noted that the Office Action has not yet acknowledged receipt and consideration of the Information Disclosure Statement which was filed in this matter on June 26, 2006. The Office Action of December 7, 2007, encloses a "Notice of References Cited" (Form PTO-892) which indicates that one of the two documents cited in applicant's Information Disclosure Statement of June 26, 2006 (Runton; US 3,528,763) has been duly considered. However, there is no indication that the second document cited in applicant's Information Disclosure Statement of June 26, 2006 (GB 2,316,690, which was listed as the document "AL" on the PTO-1449 Form which was included with the Information Disclosure Statement) has been considered.

As indicated on the "Filing Receipt" issued for the present U.S. Patent Application, "[t]his application is a 371 of PCT/FR04/01973". US 3,528,763 and GB 2,316,690 were both cited in the "International Search Report" issued for International

Application No. PCT/FR04/01973. As indicated on the "Notice of Acceptance of Application Under 35 U.S.C 371 and 37 CFR 1.495" issued with the Filing Receipt, a copy of this International Search Report has been received by the U.S. Patent Office. Accordingly, it is submitted that there was no need to supply additional copies of the documents cited in the International Search Report with the Information Disclosure Statement which was filed on June 26, 2006, that the Information Disclosure Statement fully complied with the requirements of 37 C.F.R. §1.56 and 37 C.F.R. §1.98, and that US 3,528,763 and GB 2,316,690 were both properly considered in connection with this Patent Application. Nevertheless, and for the Examiner's convenience, a copy of GB 2,316,690 has been enclosed with this Reply.

It is respectfully requested that the Examiner duly consider GB 2,316,690, and provide applicant with a suitable acknowledgement of the consideration of GB 2,316,690.

Because GB 2,316,690 was cited in an Information Disclosure Statement which was complete and duly filed before the mailing of a first Office Action on the merits in connection with this Patent Application, it is submitted that no fee is required for the consideration of GB 2,316,690 under 37 C.F.R. §1.17(p). However, in the event that a fee is deemed to be necessary for the consideration of GB 2,316,690, any additional fees which may be required, or any overpayments, can be charged to Deposit Account No. 03-2405, and corresponding action is earnestly solicited.

In addition, and although not required by the Office Action of December 7, 2007, a substitute specification has been submitted for this Patent Application which includes section headings and which makes various grammatical corrections resulting from translation of the original specification from French into English when steps were taken to enter the U.S. national stage of the International Application on which this Patent Application is based. A marked-up copy of the original specification showing the changes which have been made in the substitute specification has also been enclosed, on separate pages, pursuant to the requirements of 37 C.F.R. §1.125(c). The substitute specification includes no new matter, and entry of the enclosed substitute specification is therefore respectfully requested in accordance with 37 C.F.R. §1.125(b).

An amended Abstract has also been submitted for this Patent Application. The amended Abstract has been reproduced on a separate sheet enclosed with this Reply, in accordance with the requirements of 37 C.F.R. §1.72(b), and entry of the amended Abstract is therefore respectfully requested.

Turning now to the merits of the Office Action of December 7, 2007, restriction to one of three identified groups of claims has been required under 35 U.S.C. §121 and 35 U.S.C. §372. For reasons which follow, this restriction requirement is respectfully traversed.

As previously indicated, this Patent Application was filed under the provisions of 35 U.S.C. §371, as a national

stage application deriving from International Application No. PCT/FR04/01973. As a consequence, the Office Action of December 7, 2007, correctly applies a "unity of invention" standard to the claims of this Patent Application under PCT Rule 13 and 37 C.F.R. §1.499.

Under a unity of invention standard, PCT Rule 13.1 permits applicants to include "inventions so linked as to form a single general inventive concept" in a single application. Under PCT Rule 13.2, this would be proper "when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features".

However, at Paragraph 2 of the Office Action of December 7, 2007, the position is taken that the identified groups of claims do not meet the requirements of PCT Rule 13.1 for the stated reason that "they lack the same or corresponding special technical features" because "the corresponding special technical feature of a cellulosic fabric treated with metal peroxide is known [from] Runton, US patent 3,528,763".

Even assuming that Runton (US 3,528,763) discloses the treatment of cellulosic fabrics with metal peroxide, it cannot be said that Runton discloses the treatment of cellulosic fabrics with metal peroxide "while leaving the fabric free and without tension in the selected machine direction", as applicant has claimed. Neither does Runton disclose "passing the impregnated fabric in air, while leaving the fabric relaxed and without tension in the selected machine direction", as applicant has

further claimed. Rather, Runton specifically indicates, for example, at lines 47 to 52 of column 4, that:

> Generally, apparatus suitable for carrying out the process comprises means... for applying tension to fabric while it is advancing through successive treatment zones including means for progressively increasing the tension on the fabric.... (emphasis added)

Consequently, it is submitted that "a technical relationship among [the] inventions involving one or more of the same or corresponding special technical features" has been established, and that the requirement for restriction presented in the Office Action of December 7, 2007, is properly withdrawn.

In view of the foregoing, a reconsideration and withdrawal of the restriction requirement formulated in the Office Action of December 7, 2007, is respectfully requested, and an examination of all claims is earnestly solicited.

It is noted that to be complete, applicant's reply to the Office Action of December 7, 2007, "must include (i) an election of [an] invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention".

In reply, applicant provisionally elects the subject matter identified in the Office Action as Group I for purposes of examination in the event that the restriction requirement is maintained.

The Office Action of December 7, 2007, indicates that Group I includes original claims 1 to 7, which are said to be "drawn to a method of treating a fabric with metal peroxide". Original claims 1 to 14 have been canceled and replaced with new claims 15 to 34, which have been drafted to better comply with the requirements of 35 U.S.C. §112, second paragraph. As a consequence, original claims 1 to 7 have been canceled and are presently replaced with claims 15 to 24.

It is further noted that original claim 8 (which has been replaced with claims 25 to 30) is said to be "drawn to a machine to treat a fabric with metal peroxide", and that original claims 9 to 14 (which have been replaced with claims 31 to 34) are said to be "drawn to a fabric treated with metal peroxide". In 37 C.F.R. §1.475(b), various combinations of categories of inventions are identified that applicants are specifically entitled to claim in a single application. Two of these combinations of categories of inventions are:

> (4) A process and an apparatus... specifically designed for carrying out the said process; or
>
> (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus... specifically designed for carrying out the said process.

Accordingly, in the event that the requirement for restriction is maintained, it is nevertheless submitted that claims 25 to 30 would also be properly examined in this

Patent Application, pursuant to the provisions of 37 C.F.R. §1.475(b)(4), and that claims 31 to 34 would also be properly examined in this Patent Application, pursuant to the provisions of 37 C.F.R. §1.475(b)(5).

Corresponding action is earnestly solicited.

Respectfully submitted,

GARY M. COHEN, ESQ.
Reg. No. 28,834
Attorney for Applicant
Tel.: (610) 975-4430